

Remarks

In response to the Examiner's Restriction Requirement, Applicants confirm its election of group 1 with traverse covering claims 1, 2, 8-12 and 15-17. Accordingly, claims 3-7, 13 and 14 were cancelled without prejudice.

The objections to the Specification made by the Examiner have been corrected as suggested by the Examiner.

The Examiner rejected claims 1, 8 and 9 under U.S.C. 102 (b) as being anticipated by Striker. It is respectfully requested that this rejection be withdrawn. Claims 1, 8 and 9 are not anticipated by Striker for the reasons set forth below.

It is true that the Striker patent shows a magnetic rotary position sensor having certain of the components and features of the present claimed invention. It is respectfully submitted; however, that it does not have, or anticipate, a second angular location of the stator in which the strength of the magnetic field is generally constant and independent of the angular position of the rotatable member (independent method claim 1), or "a second Hall Effect sensor having a second electrical output fixedly mounted in magnetic field communication relationship with the magnetic field of the magnets at a location at which the magnetic field is generally constant, independent of the angular position of the magnet positions" (independent claim 8) as the Examiner suggests. As clearly shown in Figure 2, the resistance value for resistor member 1 (for example) is variable; it varies 100 ohms or 10% for magnetic 0° and 45° magnetic fields, which clearly shows that the magnetic field is not generally constant, independent of the angular position of the magnet. The problem that the present invention is addressing and solving is magnetic decays of 2-4 % (see paragraph 0006 of the specification) which clearly would not happen with the Striker device which has a 10% variation just due to rotation. Clearly the Striker reference does not have the recited structure or perform the recited function.

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In view of the above, it is believed independent claims 1 and 8 are in condition for allowance. Claim 9 depends from claim 8 and would also be allowable for the reasons set forth above. Additionally, claim 2 depends from claim 1 and claims 10, 11 and 12 depend from claim 8, and therefore, they would also be in condition for allowance.

The Examiner rejected claim 10 under 35 U.S.C. 103 (a) as being unpatentable over Striker in view of Oudet et al. Applicants respectfully request that this rejection be withdrawn. Claim 10 depends from claim 8 and should be in condition for allowance for the reasons stated above with regard to claim 8.

Additionally, the Examiner rejected claims 11 and 15 under 35 U.S.C. 103 (a) as being unpatentable over Striker in view of Herden et al. Applicants respectfully request that this rejection be withdrawn. Both dependent claim 10 and independent claim 15 are believed to be in condition for allowance for the reasons set forth above with regard to the Striker reference.

Applicants note with appreciation the indication by the Examiner that claims 2, 12, 16 and 17 contain allowable subject matter if written in independent form but for the reasons stated above, it is believed that they are in condition for allowance in the form as now presented.

For all of the above reasons, reconsideration by the Examiner, allowance of the claims as now presented and passing of the case to issuance are respectfully solicited.

Respectfully submitted,



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